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MEMO ENDORSED

February 8, 2023

BY ECF

The Honorable Edgardo Ramos
United States District Court
Southern District of New York 40
Foley Square, Courtroom 619 New
York, New York 10007

The filing deadline on Defendants' motion to dismiss is adjourned until February 17, 2023. SO ORDERED.


Edgardo Ramos, U.S.D.J.
Dated: February 8, 2023
New York, New York

Re: *Money Tree Capital Funding, LLC v. Money Tree Capital Markets, LLC, et al.*,
Case No. 22-cv-10084-ER

Dear Judge Ramos:

Dunnington, Bartholow and Miller represents Defendants Money Tree Capital Markets LLC, a New York limited liability company ("MTCAP-NY"), Money Tree Capital Markets LLC, a Delaware limited liability company ("MTCAP-DE") (together "MTCAP Defendants"), and Kamal Malik ("Malik"). We write to the Court, pursuant to Chamber's direction to file a letter motion and Rule 1.E of the Court's individual practices, for an adjournment of the filing deadline for MTCAP Defendants and Malik's motion to dismiss to February 17, 2023 in light of Plaintiff Money Tree Capital Funding LLC's ("Funding") recently filed letter request to amend the complaint.

As the Court is aware, today, February 8, 2023, is the current deadline for MTCAP Defendants and Malik to file their motion to dismiss. There have been no previous requests for an adjournment of this motion. The reason for this request is that earlier today Funding filed a letter request seeking to amend its complaint pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure. The Court ordered MTCAP Defendants and Malik to respond by February 10, 2023. Funding consents to this adjournment.

MTCAP Defendants and Malik also request clarification regarding the status of the discovery stay which continues "pending [the] motion to dismiss is granted." (ECF. 92). In order to avoid doubt and future letter practice, MTCAP Defendants and Malik request the Court also order the present discovery stay continue through a motion to dismiss an amended complaint (to the extent the Court is inclined to grant Plaintiff leave to file an amendment). Accordingly, MTCAP Defendants and Malik request the Court so order the following:

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- 1) The deadline for MTCAP Defendants and Malik to file their motion to dismiss the complaint is adjourned to February 17, 2023;
- 2) MTCAP Defendants and Malik will file a letter response regarding Funding's request to amend the complaint by February 10, 2023 as previously ordered by the Court. (ECF 97);
- 3) In the event the Court permits Funding to file an amended complaint, the discovery stay shall continue pending MTCAP Defendants and Malik's motion to dismiss an amended complaint is granted.

Respectfully Submitted,

/s/ Luke McGrath
Luke McGrath